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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

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UNITED STATES OF AMERICA

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Plaintiff,

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v.

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JAMES L. McPHADEN,

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Defendant.

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NO. CR95-5828JET

ORDER

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THIS MATTER comes on before the above-entitled Court upon Defendant's Motion For  
Bail pursuant to 18 U.S.C. §3143(b).

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Having considered the entirety of the records and file herein, the Court finds and rules as  
follows:

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1 Release pending appeal pursuant to 18 U.S.C. §3143(b) is only authorized if the court finds:

2 (A) by clear and convincing evidence that the person is not likely to flee or pose a danger to  
the safety of any other person or the community if released...

3 and

4 (B) that the appeal is not for the purpose of delay and raises a substantial question of law or  
fact like to result in-

5 (i) reversal,

6 (ii) an order for a new trial,

7 (iii) a sentence that does not include a term of imprisonment, or

(iv) a reduced sentence to a term of imprisonment less than the total of the time already  
served plus the expected duration of the appeal process.

8 The Defendant has failed to make the requisite showing pursuant to 18 U.S.C. §3143(b).

9 Accordingly, Defendant's motion is DENIED.

10 IT IS SO ORDERED.

11 The clerk of the court is instructed to send uncertified copies of this Order to all counsel of  
12 record.

13 DATED this 21st day of September, 2005.

14  
15 /s JACK E. TANNER

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17 JACK E. TANNER  
18 SR. UNITED STATES DISTRICT JUDGE  
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